

Reference:	20/02224/FUL	
Application Type:	FULL	
Ward:	Chalkwell	
Proposal:	Erect one three storey block of no. 9 self-contained flats with associated off street parking to rear, balconies to north, east and west elevations, terrace areas to rear upper floor flats, private garden areas to rear ground floor flats, layout communal amenity space and landscaping, cycle and bin storage to rear and form vehicular access on to Kings Road	
Address:	Former 51 Chalkwell Avenue Westcliff-On-Sea Essex	
Applicant:	Herald Build Limited	
Agent:	iArch Consulting	
Consultation Expiry:	28 th May 2021	
Expiry Date:	4 th June 2021	
Case Officer:	Abbie Greenwood	
Plan Nos:	Location Plan, 001 (11.05.21), 002 (11.05.21), 003 (11.05.21), 004 (11.05.01), 005 (11.05.21), 006 (11.05.21.21), 007 (11.05.21), 008 (11.05.21) CGI Views Design and Access Statement 23.04.21 Tree Protection Plan Rev 1 dated 22.04.21 Arboricultural Report by Andrew Day Arboricultural Consultancy Rev 1 dated 22.04.21	
Recommendation:	Members are recommended to GRANT PLANNING PERMISSION	



1 Site and Surroundings

- 1.1 The application site is located at the junction of Chalkwell Avenue and Kings Road. It formerly contained a large detached dwelling which was destroyed by fire and was demolished some three years ago. The site is prominent in views from Chalkwell Avenue travelling south towards the seafront and along Kings Road from the east and west.
- 1.2 Chalkwell Avenue and the wider Chalkwell Hall Estate is one of the Borough's most desirable housing areas. It is characterised by mainly large detached early C20 good quality houses most of which are two storeys with generously proportioned pitched roofs and accommodation in the roofspace. The dwellings are highly articulated and well detailed with a range of features including bays and gables, feature entrances and dormers. They are mostly red brick and/or render with red/brown tiled roofs and tall windows. Decorative timbering and tile hanging are commonplace and add further articulation and interest to the streetscene contributing to local distinctiveness. The designs of the individual properties are varied but there is a cohesiveness in style, level of articulation and materials which gives the area a strong and recognisable character.
- 1.3 The dwellings are situated on a consistent but generous building line facing Chalkwell Avenue with planted frontages and large gardens to the rear. This has resulted in a uniform pattern of development. Kings Road to the northern frontage of the site is unusual in that it only has properties fronting onto the street on its northern side in the proximity of the site. The south side of the street is open with the buildings orientated east and west towards roads leading north and south, including Chalkwell Avenue and Hall Park Avenue, leaving the centre of the street blocks very open in this location.
- 1.4 Some of the properties along Chalkwell Avenue have been converted into flats but overall they have not lost their original character. There are a few modern purpose-built flatted blocks within the wider streetscene including on the northern side of the junction, but these are 'of their time' and generally poor, anomalous designs which pre date existing planning policy.
- 1.5 Chalkwell Avenue is a Classified Road and main route to the seafront. The site is in Flood zone 1 (low risk). There are no specific policy designations in this location.

2 The Proposal

- 2.1 The proposal seeks to erect one three storey block of no. 9 self-contained flats with balconies and terraces to the north, east and west elevations and to layout private garden areas and communal amenity space, cycle and bin storage to the rear. The units comprise 2 x 2 bed 3 person flats, 3 x 2 bed 3 person flats, 3 x 3 bed 5 person flats and 1 x 3 bed 6 person flat. The development is a maximum of 20.3m wide fronting Chalkwell Avenue reducing to 7.2m to the rear, 29.2m to the north elevation fronting Kings Road reducing to 18.8m and has a pitched roof with an eaves height of 6.4m and a maximum height of 11.7m.
- 2.2 The proposal includes 9 off street parking spaces at the rear and the formation of a new vehicular access on to Kings Road. The existing vehicular access to the front onto Chalkwell Avenue will be reinstated and the verge planting extended. The existing burr

brick boundary wall is to be retained.

3 Relevant Planning History

- 3.1 18/01269/DEM - Demolish existing building (Application for Prior Approval for Demolition) - approved
- 3.2 03/01238/OUT - Erect detached dwelling with garage and form vehicular access onto Kings Road on land at rear – refused
- 3.3 86/1915 - erect detached bungalow with garage and form vehicular access onto Kings Road – refused

4 Representation Summary

- 4.1 37 neighbouring properties were consulted and two site notices displayed. A second round of consultation was undertaken following significant amendments to the design of the proposal. 20 letters of objection were received in relation to the initial consultation raising the following summarised issues:

- Design unacceptable and out of keeping with surrounding area.
- Concerns about increase in scale.
- Lack of parking including for deliveries and visitors and impact on road safety and increased on street parking.
- Harm to neighbour amenity
- Concerns about increase in traffic and congestion.
- A single family house or two houses would be more appropriate.
- Loss of privacy for neighbours.
- Flooding impact on houses downhill from increased hardsurfacing.
- Safety and impact on junction.
- Noise and disturbance from 9 units and from proposed parking area including fumes and noise.
- Light pollution.
- Overdevelopment of plot
- Cramped housing can result in health impacts.
- There is a need for family housing in the Borough not just smaller flats - this site is more suited to larger housing.
- The pandemic has demonstrated residents need more space.
- The proposal is obtrusive.
- The density and footprint are too great.
- Impact on existing trees.
- Impact on outlook for neighbouring properties e.g. of proposed parking area.
- Dangerous access, lack of visibility, steep driveway, cars often speed in Kings Road.
- Pedestrian safety.
- Loss of light and sunlight to neighbours.
- The design should be more in keeping with local character.
- Concern that this would set a precedent for more flats in the road.
- The raised land level and slope will make the development appear even taller.
- The submitted details are inaccurate (plan 11 – north and south elevations).
- There is a Lack of response to local character unlike other new developments including at 151 Kings Road and 8 Esplanade Gardens which are more in keeping.

- Poor design quality and detailing as compared to the existing elegantly designed houses.
- Incongruous design.
- Lack of amenity space for the new units which is out of character with area.
- Impact on schools and doctors/hospitals.
- Family housing is needed in this area.
- The area is characterised by mid to large detached family houses.
- Flat roof area [terrace] out of character with area.
- Prominent location which is an important gateway to the seafront requires a better high quality design which is more in keeping with area - this is an opportunity for a new landmark of the highest design quality.
- Vehicular access from Chalkwell Avenue would have less impact.
- The mass of the development, including the length of frontages, would be disproportionate in the streetscene.
- The building is stark and unattractive, pedestrian and institutional and lack architectural ambition. The fenestration is uncomplimentary and mis-matched.
- Impact on estuary views.

Officer Comment: These concerns are noted and those that represent material planning considerations have been taken into account in the assessment of the application. However, they are not found to represent a reasonable basis to refuse planning permission in the circumstances of this case.

4.2 In addition, 3 letters of support have been received which make the following summarised comments on the proposal:

- Excellent design that utilises site well although may be better suited to 8 units.
- There is scope for 100 solar panels on the building and on a covered parking area.
- Electric charging points should be included.
- Passiv Haus should be considered.
- The proposal will modernise Chalkwell Avenue whilst being in keeping with the surrounding area and this will revitalise the area.
- The proposal is well presented.
- The 9 flats will not appear over scaled.
- The design should fit in with the local area.

4.3 No letters of representation have been received in relation to the second round of consultation.

Chalkwell Residents Association

4.4 Comments in relation to the first round of consultation are as follows:

- The proposal is out of scale and over development of the site.
- Flats are out of character in this location which is almost all family housing.
- Lack of parking.
- Traffic and safety concerns given proximity to junction.

Highways Team

- 4.5 There are no highway objections to this proposal 9 car parking spaces have been provided which is acceptable. The layout ensures that vehicles can enter, manoeuvre and leave in a forward gear. Secure cycle parking has also been provided. The applicant will be required to reinstate the redundant vehicle crossover back to footway/verge on Chalkwell Avenue.

The applicant will be required to apply to highways to extend the vehicle crossover on Kings Road. When the alterations are made the redundant vehicle crossover will also need to be reinstated at the same time.

It is not considered that the proposal will have a detrimental impact upon the public highway.

Environmental Health

- 4.6 No objections subject to conditions relating to construction hours and waste management.

Parks

- 4.7 Street trees (T4 Acer and T9 Lime) need to be protected during the construction phase to prevent damage to the trunks and the lower crown branches from any vehicles making deliveries or gaining access to the site. Using boarding to box in the trees would be one such method of protecting the trees. The amended tree protection measures in relation to these street trees are acceptable.

Additionally, the soft landscaping of the development should be conditioned to allow for comments and to ensure there is possibility for a biodiversity net gain on the site.

London Southend Airport

- 4.8 No objections.

Essex Police

- 4.9 Essex Police would welcome contact from the applicant to discuss the proposal and how it responds to Secure by Design principles.

Essex Fire Service

- 4.10 Access appears to be satisfactory and will be considered in more detail at the Building Regulations stage.

Essex and Suffolk Water

- 4.11 No objections.
- 4.12 The application was called to Committee by Councillor Folkard and Councillor Walker.

5 Planning Policy Summary

- 5.1 The National Planning Policy Framework (NPPF) (2019) and National Planning Policy Guidance

- 5.2 National Design Guide (2019)
- 5.3 Core Strategy (2007): Policy KP1 (Spatial Strategy), Policy KP2 (Development Principles), Policy CP3 (Transport and Accessibility), Policy CP4 (The Environment and Urban Renaissance), Policy CP8 (Dwelling Provision).
- 5.4 Development Management Document (2015): Policy DM1 (Design Quality), Policy DM2 (Low Carbon and Development and Efficient Use of Resources), Policy DM3 (Efficient and Effective Use of Land), Policy DM8 (Residential Standards), Policy DM15 (Sustainable Transport Management).
- 5.5 Southend Design & Townscape Guide (2009)
- 5.6 Technical Housing Standards – Nationally Described Space Standards (2015)
- 5.7 Vehicle Crossing Policy & Application Guidance (2014)
- 5.8 Community Infrastructure Levy (CIL) Charging Schedule (2015)
- 5.9 Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS) Supplementary Planning Document (2020)

6 Planning Considerations

- 6.1 The main considerations in relation to this proposal are the principle of the development; design and impact on the character of the area; standard of accommodation for future occupiers; impact on the amenity of neighbouring occupiers; traffic generation; access and parking implications; sustainable construction including the provision of on-site renewable energy sources and sustainable drainage; impact on street trees; CIL (Community Infrastructure Levy) and RAMS.

Appraisal

7 Principle of Development

- 7.2 The provision of new high quality housing is a key Government objective.
- 7.3 Amongst other policies to support sustainable development, the NPPF seeks to boost the supply of housing by delivering a wide choice of high quality homes. In relation to the efficient use of land Paragraph 122 states:

122. Planning policies and decisions should support development that makes efficient use of land, taking into account:

- a) the identified need for different types of housing and other forms of development, and the availability of land suitable for accommodating it;*
- b) local market conditions and viability;*
- c) the availability and capacity of infrastructure and services – both existing and proposed – as well as their potential for further improvement and the scope to promote sustainable travel modes that limit future car use;*
- d) the desirability of maintaining an area’s prevailing character and setting*

*(including residential gardens), or of promoting regeneration and change; and
e) the importance of securing well-designed, attractive and healthy places.*

- 7.4 Policy KP2 of the Core Strategy states development must be achieved in ways which *“make the best use of previously developed land, ensuring that sites and buildings are put to best use”*.
- 7.5 Policy CP4 requires that new development “maximise the use of previously developed land, whilst recognising potential biodiversity value and promoting good, well-designed, quality mixed use developments” and that this should be achieved by *“maintaining and enhancing the amenities, appeal and character of residential areas, securing good relationships with existing development, and respecting the scale and nature of that development”*.
- 7.6 Policy CP8 of the Core Strategy recognises that a significant amount of additional housing will be achieved by intensification (making more effective use of land) and requires that development proposals contribute to local housing needs. It identifies that 80% of residential development shall be provided on previously developed land. Policy DM3 of the Development Management Document states that *“the Council will seek to support development that is well designed and that seeks to optimise the use of land in a sustainable manner that responds positively to local context and does not lead to over-intensification, which would result in undue stress on local services, and infrastructure, including transport capacity”*.
- 7.7 The results of the Housing Delivery Test (HDT) published by the Government show that there is underperformance of housing delivery in the Borough. Similarly, the Council’s Five-Year Housing Land Supply (5YHLS) figure shows that there is a deficit in housing land supply in the Borough. The South Essex Strategic Housing Market Assessment (SESHMA) identifies that Southend has a higher proportion of flats/maisonettes and a housing stock comprised of a greater proportion of one-bed units and smaller properties a consequence of which is that there is a lower percentage of accommodation of a suitable size for families. For the proposed provision of housing the HDT and 5YHLS weigh in favour of the principle of this type of development. Several of the flats proposed would be of a type which would be likely to be suitable for families. There is greater need for this type of housing as identified by the SESHMA. In these circumstances, the provision of additional housing is a consideration which should be given increased weight in a balancing exercise. Although, it should also be noted that a scheme for this quantum of housing would have limited effect on the overall supply of housing.
- 7.8 This proposal is considered in the context of the above policies. These policies and guidance support new development where they respect the character of the locality and the amenities of neighbours. The principle of a more intensive residential development in this location is therefore acceptable subject to the detailed considerations set out below. It is noted that 4 of the 9 units are proposed as 3 bed family sized units. There is no policy requirement for a mix of flat sizes to be provided as this is not a major scheme, however, this range of flat sizes and the inclusion of family units is considered to be a positive aspect of the proposal.

Design and Impact on the Character of the Area

- 7.9 Paragraph 124 of the NPPF states *‘The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good*

design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.'

- 7.10 Policy DM1 of the Development Management Document states that *“all development should add to the overall quality of the area and respect the character of the site, its local context and surroundings in terms of its architectural approach, height, size, scale, form, massing, density, layout, proportions, materials, townscape and/or landscape setting, use, and detailed design features.”*
- 7.11 The proposal seeks to construct a development of 9 flats on a prominent site at the junction of Chalkwell Avenue and Kings Road. The proposal has evolved during the course of the application to ensure that it better integrates with the distinctive character of the Chalkwell Hall Estate both in its scale, form and siting and in its detailed design.
- 7.12 The development is sited fronting Chalkwell Avenue with its amenity area and parking behind giving it an open aspect at the rear and maintain the openness of the Kings Road frontage in this stretch. The proposal has also maintained the adequate building lines and the character of the existing junction. This arrangement appropriately references the grain of the area.
- 7.13 While the new building is large, it is reasonably scaled in relation to the surrounding corner properties including a generous roof proportion and a well-resolved, forward-facing pitched roof to reference the prevailing character of the surrounding properties. The development extends approximately half the depth of the site to the rear but at a reduced width behind the front section facing Chalkwell Road. It has a variety of steps and projections to break the scale on the main frontages facing Chalkwell Avenue and Kings Road. Overall the scale, form and massing of the development is consistent with local character on balance.
- 7.14 The design has not sought to replicate the traditional styles in the street but includes a number of references to the character of the area including well-articulated feature bays and gables, over extended but elegant eaves, decorative tile hanging to accentuate the key corner facing the junction and a feature entrance onto Chalkwell Avenue. The windows are of a more modern design but are well detailed with a tall proportion which relates positively to the streetscene. The main facing materials including red brick, tile hanging, brown tiles and render, have been chosen to reference local character and the quality of the detailing and the level of articulation of the frontages will ensure that this proposal sits comfortably amongst the well-articulated more traditional housing in this area. In this way, the identity and appearance of development responds to modern building standards whilst complementing the local vernacular rather than adopt a potential unsuccessful, pastiche approach to design.
- 7.15 The proposal is set within landscaped grounds which will provide an adequate setting for the building and the wider streetscene. Full details of landscaping will be agreed by condition. The existing historic burr brick boundary wall to the northern elevation, which is a positive feature of the street, is proposed to be retained and will help the proposal to integrate into the streetscene.
- 7.16 Overall it is considered that, subject to conditions relating to materials, detailing of key elements and landscaping, the scale, form, siting and detailed design of the revised development will have an acceptable impact on the character of the site and area, on balance, and the proposal is policy compliant in this regard.

Standard of Accommodation for Future Occupiers

- 7.17 Delivering high quality homes is a key objective of the NPPF.
- 7.18 Policy DM3 of the Development Management Document (i) states: proposals should be resisted where they “*Create a detrimental impact upon the living conditions and amenity of existing and future residents or neighbouring residents*”.

Space Standards and Quality of Habitable Rooms.

- 7.19 All new homes are required to meet the National Technical Housing Standards in terms of overall floorspace and bedroom sizes.
- 7.20 The proposal provides 2 x 2 bed 3 person flats, 3 x 2 bed 3 person flats, 3 x 3 bed 5 person flats and 1 x 3 bed 6 person flat. All units are compliant with the National Technical Housing Standards. The proposal is acceptable and policy compliant in this regard.

Light, Privacy and Outlook

- 7.21 The submitted floorplans show that all the habitable rooms would have good light and outlook. The proposal is acceptable and policy compliant in this regard.

M4(2) – Accessibility

- 7.22 Policy DM8 also requires all new dwellings to be accessible and adaptable to Building Regulations M4(2) standards.
- 7.23 All upper floor flats have access to a lift and there are accessible and visible entrances to the front and rear. The agent has confirmed that all units will meet the M4(2) standard. Full compliance with M4(2) can be secured by condition. The proposal therefore meets the accessibility requirements and is policy compliant in this regard.

Amenity Provision

- 7.24 All units, except unit 5, have access to a useable private terrace or balconies. Unit 5 has 2 Juliette balconies and a generous floor space for 3 people. In addition, a communal amenity area of over 600sqm is proposed to the rear and north side of the building behind the existing tall boundary wall. Subject to appropriate landscaping, this will provide adequate amenity space for residents and the proposal is acceptable and policy compliant in this regard.
- 7.25 Overall it is considered that the proposal will provide a good standard of accommodation for future occupiers and is acceptable and policy compliant in this regard.

Impact on Residential Amenity

- 7.26 Local and national planning policies and guidance seek to secure high quality development which protects amenity. Policy DM1 of the Development Management Document specifically identifies that development should protect the amenity of the site, immediate neighbours, and surrounding area, having regard to privacy, overlooking,

outlook, noise and disturbance, visual enclosure, pollution, and daylight and sunlight. Further advice on how to achieve this is set out in the Council's Design and Townscape Guide.

- 7.27 The front section of the building is set between 1.3m and 2m from the site's south boundary and between 2.7m and 3.4m from the neighbouring property number 53 Chalkwell Avenue. The rear projection is some 11.5m from the south boundary and over 25m from the west boundary with the neighbour in Hall Park Avenue. The current proposal must be considered on its individual merits but purely for information the proposal is a similar depth to 53 Chalkwell Avenue adjacent to the southern boundary and has a similar footprint and relationship to this neighbour as the former dwelling on the application site.. The only significant change in footprint compared to that of the former dwelling is the depth of the rear projection which is some 10m deeper on the northern section of the site. 53 Chalkwell Avenue has a number of windows in its flank elevation but these appear to be to non-habitable rooms including the staircase and bathrooms.
- 7.28 The only windows in the south elevation are at the front of the development which have a similar arrangement to the other bay windows in the streetscene, in the rear projection which is 11.5m from the south boundary or as rooflights. Due to their nature and position these are considered to have an acceptable impact on the privacy of number 53 Chalkwell Avenue. There is a small terrace at 2nd floor level which is 3.4m from this boundary and projects 850mm out from the eaves. It is considered that a privacy screen should be installed to the south side of this terrace to prevent overlooking of the garden of number 53 Chalkwell Avenue. Such a screen would not in itself create any harmful impacts for neighbours such as loss of light, outlook or sense of enclosure. The larger terrace to unit 8 is a sufficient distance to the boundary (11.5m) not to warrant a screen.
- 7.29 The overall form of the development adjacent to No 53 is similar to the previous building on the site and will have an acceptable impact on outlook, enclosure and light.
- 7.30 The separation distances to the rear are sufficient to safeguard the amenities of properties in Hall Park Avenue in all relevant regards. No other properties are materially affected by this proposal.
- 7.31 Therefore, subject to a condition requiring a screen to the south side of the terrace of unit 9, it is considered that the design, size, siting and scale of the development proposed and separation distances are such that it would not result in any significant harm to the amenities of the site, neighbouring occupiers or wider surrounding area in any regard. The proposal is therefore considered to be acceptable and policy compliant in terms of its amenity impacts.

Traffic and Transportation Issues and Trees

- 7.32 Development Management Document Policy DM15 requires a minimum of 1 off street parking space for each flat. 9 parking spaces are proposed to the rear of the development to serve the 9 flats, accessed by a new vehicular access onto Kings Road. This is policy compliant. The Councils Highways Officer has raised no highways or to parking objection including to the new vehicular access in Kings Road, subject to the reinstatement of the redundant crossover in Chalkwell Avenue, which can be secured by condition.
- 7.33 A number of concerns have been raised about the proximity of the new Kings Road

crossover to the junction with Chalkwell Avenue however it is approximately 30m from that junction. This is significantly greater than the existing crossover to be removed which is only 13m from the junction. The Council's Highways Officer has raised no objection in relation to traffic generation or safety in relation to the junction.

- 7.34 The proposed new crossover is relatively close to the existing street tree in Kings Road. This impact is addressed in the Arboricultural Report and proposed tree protection measures. The Council's Arboricultural Officer has confirmed that a new crossover in this location is feasible and has raised no objections subject to the implementation of the proposed tree protection measures in relation to this tree and the street tree in Chalkwell Avenue. Tree protection measures are also proposed to 5 trees on the site close to the northern boundary which are to be retained. All the tree protection measures can be secured by condition. Two lower quality trees at the site will be removed and replaced with new trees.
- 7.35 Subject to conditions relating to parking, reinstatement of the crossover/verge planting and tree protection, the proposal is considered to be acceptable and policy compliant in terms of parking provision, access and trees.

Cycle Parking and Refuse Storage

- 7.36 Development Management Document Policy DM15 requires a minimum of 1 secure cycle space per flat. The site plan shows the provision of a cycle shelter to the rear of the building. This is an acceptable location and details can be secured by condition. The proposal is acceptable and policy compliant in this regard.
- 7.37 A refuse and recycling store is also proposed in this location. This is acceptable in terms of size and location. Details and provision of this store can be secured by condition. The proposal is acceptable and policy compliant in this regard.
- 7.38 Overall, subject to the above conditions, it is considered that the proposal would have an acceptable impact on traffic and transportation and trees and the proposal is policy compliant in this regard.

Sustainability including Sustainable Drainage

- 7.39 Sustainable development is a key objective of the NPPF.
- 7.40 Policy KP2 of the Core Strategy requires that "*at least 10% of the energy needs of new development should come from on-site renewable options (and/or decentralised renewable or low carbon energy sources)*". Policy DM2 of the Development Management Document states that "*to ensure the delivery of sustainable development, all development proposals should contribute to minimising energy demand and carbon dioxide emissions*". This includes energy efficient design and the use of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting.
- 7.41 The Design and Access Statement confirms that it is the intention to provide the 10% renewable energy through the provision of PV panels on the south facing roof slopes. This is acceptable in principle and full details can be secured via condition. A condition can also be imposed to require water efficient appliances.
- 7.42 Policy KP2 of the Core Strategy also states all development proposals should

demonstrate how they incorporate sustainable drainage systems (SUDS) to mitigate the increase in surface water runoff and, where relevant, how they will avoid or mitigate tidal or fluvial flood risk. No information has been provided in relation to sustainable drainage but as a minor development, full details of this can be secured by condition.

- 7.43 Subject to these conditions the proposal is considered to be acceptable and policy compliant in regards to sustainable development and drainage.

Ecology

- 7.44 Core Strategy policy KP2 and Development Management Policy DM2 require development to respect, conserve and enhance biodiversity.

Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS)

- 7.45 The site falls within the Zone of Influence for one or more European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance Mitigation Strategy (RAMS). It is the Council's duty as a competent authority to undertake a Habitats Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation. Any new residential development has the potential to cause disturbance to European designated sites and therefore the development must provide appropriate mitigation. This is necessary to meet the requirements of the Conservation of Habitats and Species Regulations 2017. The RAMS Supplementary Planning Document (SPD), was adopted by Full Council on 29th October 2020, requires that a tariff of £127.30 (index linked) is paid per dwelling unit. This will be transferred to the RAMS accountable body in accordance with the RAMS Partnership Agreement. This payment has been secured. The proposal is therefore considered to be acceptable and policy compliant in this regard.

Community Infrastructure Levy (CIL)

- 7.46 This application is CIL liable and there will be a CIL charge payable. In accordance with Section 70 of the Town and Country Planning Act 1990 (as amended by Section 143 of the Localism Act 2011) and Section 155 of the Housing and Planning Act 2016, CIL is being reported as a material 'local finance consideration' for the purpose of planning decisions. The proposed development includes a gross internal area of 937 sqm, which may equate to a CIL charge of approximately £ 72221.08 (subject to confirmation). Any existing floor area that is being retained/demolished that satisfies the 'in-use building' test, as set out in the CIL Regulations 2010 (as amended), may be deducted from the chargeable area thus resulting in a reduction in the chargeable amount.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it is found that subject to compliance with the attached conditions, the proposed development would be acceptable and compliant with the objectives of the relevant development plan policies and guidance. The proposal would have an acceptable impact on the amenities of neighbouring occupiers and, on balance, the character and appearance of the application site, street scene and the locality more widely. There would be no materially adverse traffic, parking or highways impacts caused by the proposed development. The proposal would also have an acceptable impact on sustainability, ecology and trees. This proposal

creates new housing. Therefore if any harm were identified it would be necessary to demonstrate that in reaching the decision an appropriate balancing exercise has been undertaken considering the benefits of the proposal and any harm. The Council has a deficit in housing land supply so the tilted balance in favour of sustainable development should be applied when determining the application as relevant. The test set out by the *National Planning Policy Framework* is whether any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when considered against the policies of the *Framework* taken as a whole. This application is recommended for approval subject to conditions.

9 Recommendation

9.1 GRANT PLANNING PERMISSION subject to the following conditions:

The development hereby permitted shall begin not later than three years from the date of this decision.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990

02 The development hereby permitted shall be carried out in accordance with the following approved plans Location Plan, 001 (11.05.21), 002 (11.05.21), 003 (11.05.21), 004 (11.05.01), 005 (11.05.21), 006 (11.05.21.21), 007 (11.05.21), 008 (11.05.21)

Reason: To ensure that the development is carried out in accordance with the Development Plan.

03 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level shall take place unless and until full product details of the materials to be used on all the external elevations, including walls, bays and balconies, roof, eaves and roof terraces, windows and doors, entrance glazing and porch, fascia and soffits, balcony balustrades and privacy screen, bin and cycle stores, rainwater goods and boundaries have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into first use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

04 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works ground floor slab level shall take place unless and until full detailed design drawings and cross sections of the main entrance and porch, projecting bay and balconies including balustrade, projecting

eaves detail including soffits, windows and doors including reveals and framing, flat roof ridge edge detail, tile hanging and brick decoration, at a scale of 1:20 or 1:10 as appropriate have first been submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details before it is brought into use.

Reason: To safeguard the visual amenities of the area, in accordance with the National Planning Policy Framework (2019) Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) Policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

05 The proposed first floor window in the south elevation of unit 7 of the development hereby approved shall only be glazed in obscure glass (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy) and fixed shut, except for any top hung fan light which shall be a minimum of 1.7 metres above internal finished floor level. In the case of multiple or double-glazed units at least one layer of glass in the relevant units shall be glazed in obscure glass to at least Level 4 on the Pilkington scale.

Reason: To ensure the development has an acceptable design and protects the amenities of neighbouring occupiers in accordance with policy DM1 of the Development Management Document (2015).

06 Prior to the occupation of the development an obscure glazed privacy screen (the glass to be obscure to at least Level 4 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority) of not less than 1.7m high above terrace level shall be fitted to the south side of the 2nd floor terrace to unit 9 in accordance with details and specifications that have previously been submitted to and approved in writing by the Local Planning Authority. The screen shall be retained for the lifetime of the development in accordance with the approved details.

Reason: To protect the privacy and environment of people in new and neighbouring residential properties, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy CP4, Development Management Document (2015) policy DM1, and advice contained within the Design and Townscape Guide (2009).

07 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, no construction works other than demolition and construction up to ground floor slab level of the existing building shall take place until full details of both hard and soft landscape works to be carried out at the site have been submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping works shall be carried out prior to first occupation of the development and the soft landscaping works within the first planting season following first occupation of the development, unless otherwise agreed in writing by the Local Planning Authority. The details submitted shall include, but not limited to:-

- i) Proposed finished site levels or contours;**
- ii) Means of enclosure, of the site including any gates or boundary walls and fencing;**
- iii) hard surfacing materials;**
- iv) full details of any structures (e.g. benches, planters, loggias, lighting etc.);**
- v) full details of the number, size and location of the trees, shrubs and plants to be retained and planted together with a planting specification and tree management plan.**
- vi) details of measures to enhance biodiversity within the site.**

Any trees or shrubs dying, removed, being severely damaged or becoming seriously diseased within five years of planting shall be replaced with trees or shrubs of such size and species as may be agreed with the Local Planning Authority.

Reason: In the interests of the visual amenity of the area and the amenities of occupiers and to ensure a satisfactory standard of landscaping pursuant to Policy DM1 of the Development Management Document (2015) and Policy CP4 of the Core Strategy (2007)

08 The tree and tree root protection measures as set out in Tree Protection Plan Rev 1 dated 22.04.21 and Appendix 3 of the Arboricultural Report by Andrew Day Arboricultural Consultancy Rev 1 dated 22.04.21 in relation to the trees identified as T2, T3, T4, T6, T7, T8 and T9 in this statement including the mitigation measures in relation to construction within the root protection areas shall be implemented in full prior to commencement of the development and shall be retained throughout the construction phase of the development hereby approved. Implementation of the development shall be undertaken only in full accordance with British Standard 3998 and British Standard 5837 including supervision of works by a qualified arboriculturalist.

Reason: A pre-commencement condition is justified to ensure the trees on and close to the site are adequately protected during building works in the interests of visual amenity and in accordance with Core Strategy (2007) policies KP2 and CP4, Development Management Document (2015) policy DM1 and advice contained within the Southend Design and Townscape Guide (2009).

09 The 9 car parking spaces and the associated new vehicular access for the spaces to access the public highway at the site, including the reinstatement of the redundant crossover on Chalkwell Avenue back to planted verge, as shown on approved plan 001 (11.05.21) shall be provided and made available for use prior to the first occupation of the dwellings hereby approved. The car parking spaces and the associated vehicular access to and from the public highway shall thereafter be permanently retained solely for the parking of vehicles and the accessing of the car parking spaces in connection with the occupiers of the dwelling hereby approved and their visitors.

Reason: To ensure that satisfactory off-street car parking is provided in the interests of residential amenity and highways efficiency and safety, in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy

KP2, Development Management Document (2015) policy DM15 and the Southend Design and Townscape Guide (2009).

10 The development hereby approved shall not be occupied until and unless full details of the refuse and recycling store and the secure, covered cycle parking to serve the residential development have been previously submitted to and agreed in writing by the Local Planning Authority. The approved details shall be implemented and made available for use prior to first occupation of the development and shall be retained for the lifetime of the development.

Reason: To ensure that adequate refuse and recycling storage and secure cycle parking is provided and retained to serve the development in accordance with Policy CP3 of the Core Strategy (2007) and Policy DM15 of the Development Management Document (2015).

11 A scheme detailing how at least 10% of the total energy needs of the development will be supplied using on site renewable sources shall be submitted to, agreed in writing by the Local Planning Authority and implemented in full in accordance with the approved details prior to the first occupation of the development hereby approved. This provision shall be made for the lifetime of the development.

Reason: To minimise the environmental impact of the development through efficient use of resources and better use of sustainable and renewable resources in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) policy KP2 and CP4, Development Management Document (2015) policy DM2 and the Southend Design and Townscape Guide (2009).

12 Prior to occupation of the development hereby approved, appropriate water efficient design measures as set out in Policy DM2 (iv) of the Development Management Document to limit internal water consumption to 105 litres per person per day (lpd) (110 lpd when including external water consumption), to include measures of water efficient fittings, appliances and water recycling systems such as grey water and rainwater harvesting shall be implemented for the whole development and retained in perpetuity.

Reason: To minimise the environmental impact of the development through efficient use of water in accordance with the National Planning Policy Framework (2019), Core Strategy (2007) Policy KP2, Development Management Document (2015) Policy DM2 and Design and Townscape Guide (2009).

13 The development hereby approved shall be carried out in a manner to ensure the flats comply with building regulation M4 (2) 'accessible and adaptable dwellings' before they are occupied.

Reason: To ensure the residential units hereby approved provides a high quality and flexible internal layout to meet the changing needs of residents in accordance with National Planning Policy Framework (2019), Core Strategy (2007) policy KP2, Development Management Document (2015) policy DM8 and

the advice contained in the Southend Design and Townscape Guide

14 No drainage infrastructure, including earthworks, associated with this development hereby approved shall be undertaken until details of the design implementation; maintenance and management of a scheme for surface water drainage works (incorporating Sustainable Urban Drainage (SuDs) Principles) have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in accordance with the approved details before the development is occupied or brought into use and shall be maintained as such thereafter in perpetuity.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site for the lifetime of the development and to prevent environmental and amenity problems arising from flooding in accordance with the National Planning Policy Framework (2019), Policy KP2 and CP4 of the Core Strategy (2007) and Policy DM2 of the Development Management Document (2015)

15 No development above ground level shall be undertaken unless and until details of existing and proposed site levels at and surrounding the site have been submitted to and approved in writing by the local planning authority. The development shall be undertaken and completed at the levels indicated on the approved drawing.

Reason: In the interests of the residential amenity of adjoining residents and the character and appearance of the area and to ensure that the development complies with the National Planning Policy Framework (2019), Core Strategy (2007) Policies KP2 and CP4, Development Management Document (2015) Policies DM1 and DM3 and the Design and Townscape Guide (2009).

16 Construction Hours for the development hereby approved shall be restricted to 8am – 6pm Monday to Friday, 8am - 1pm Saturday and not at all on Sundays or Bank Holidays.

Reason: In the interests of the amenities of neighbours pursuant to Policy CP4 of the Core Strategy (2007) and Policy DM1 of the Development Management Document (2015).

17 No development shall take place, until and unless a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be fully adhered to throughout the construction period. The Statement shall provide, amongst other things, for:

- i) the parking of vehicles of site operatives and visitors**
- ii) loading and unloading of plant and materials**
- iii) storage of plant and materials used in constructing the development**
- iv) the erection and maintenance of security hoarding including measures to ensure the retention of trees to the rear of the site**
- v) measures to control the emission of dust and dirt during construction**

- vi) a scheme for recycling/disposing of waste resulting from construction works that does not allow for the burning of waste on site.**
- vii) Measures to mitigate the impact of noise during construction.**

Reason: This pre-commencement condition is needed in the interests of visual amenity and the amenities of neighbouring occupiers pursuant to Policy CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015).

Informatives:

01 Please note that the development the subject of this application is liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) and it is the responsibility of the landowner(s) to ensure they have fully complied with the requirements of these regulations. A failure to comply with the CIL regulations in full can result in a range of penalties. For full planning permissions, a CIL Liability Notice will be issued by the Council as soon as practicable following this decision notice. For general consents, you are required to submit a Notice of Chargeable Development (Form 5) before commencement; and upon receipt of this, the Council will issue a CIL Liability Notice including details of the chargeable amount and when this is payable. If you have not received a CIL Liability Notice by the time you intend to commence development it is imperative that you contact S106andCILAdministration@southend.gov.uk to avoid financial penalties for potential failure to comply with the CIL Regulations 2010 (as amended).

02 You should be aware that in cases where damage occurs during construction works to the highway in implementing this permission that Council may seek to recover the cost of repairing public highways and footpaths from any party responsible for damaging them. This includes damage carried out when implementing a planning permission or other works to buildings or land. Please take care when carrying out works on or near the public highways and footpaths in the Borough.

03 The applicant is encouraged to include electric vehicle charging points at the site which is in accordance with Policy DM15 which encourages their provision wherever practical and feasible.

04 The applicant is advised that the appropriate highways licences should be obtained prior to the commencement of the development. The applicant is advised to contact the Councils Highways Officer martinwarren@southend.gov.uk to arrange the reinstatement of the crossover and verge on the Chalkwell Avenue frontage which must be carried out by the Councils appointed contractor.

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern within the application (as originally submitted) and negotiating, with the Applicant, acceptable amendments to the proposal to address those concerns. As a result, the Local Planning

Authority has been able to grant planning permission for an acceptable proposal, in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework. The detailed analysis is set out in a report on the application prepared by officers.